Writ Petition No. 737 (MB) of 2006

Hon'ble P.C. Verma, J.

Hon'ble M.M. Ghildiyal, J.

Stay application No. 7514 of 2006

Heard Sri Sanjeev Agarwal, learned counsel for the petitioner and Sri Ashish Joshi, learned counsel for State Bank of India on behalf of respondent no. 1.

Petitioner has challenged the subject notice dated 27.04.2006 and proceedings initiated by respondent no. 1 under the provision of Section 13 of Scrutinization Act.

From the perusal of the record, we are not inclined to grant relief as sought by the petitioner, as we are of the opinion that notice dated 27.04.2006 issued by respondent no. 1 is within the jurisdiction of Bank.

It is well settled law that notice can be challenged only when it is issued without jurisdiction.

Therefore, petitioner is relegated to reply the aforesaid notice and respondent no. 1 is directed to take decision on the reply under section 13 of Scrutinization and proceed further after giving opportunity of hearing to the petitioner.

Writ petition is devoid of merit as such is dismissed. Stay Application No. 7514 of 2006 is rejected.

(M.M.G., J) **(P.C.V., J)**

05.09.2006

S.K.S.